

Message

From: Libelo, Laurence [Libelo.Laurence@epa.gov]
Sent: 4/14/2021 7:02:56 PM
To: Gaines, Linda [Gaines.Linda@epa.gov]; Stalcup, Dana [Stalcup.Dana@epa.gov]; Douchand, Larry [Douchand.Larry@epa.gov]; Schutz, Michelle [Schutz.Michelle@epa.gov]; Fitz-James, Schatzi [Fitz-James.Schatzi@epa.gov]; Ammon, Doug [Ammon.Doug@epa.gov]; Lowery, Brigid [Lowery.Brigid@epa.gov]; Barr, Pamela [Barr.Pamela@epa.gov]; Gilbert, Edward [Gilbert.Edward@epa.gov]; Pachon, Carlos [Pachon.Carlos@epa.gov]
Subject: PFAS definition question

Hi Dana,

We talked about the NDAA PFAS definitions in 2019 when it was being drafted. Here is an email trail with our (OLEM's) thoughts on the HEC definition while it was under consideration back in 2019.

Ex. 5 Deliberative Process (DP)

Laurence

2019 question:

HEC TA Question:

Is the proposed definition of PFAS below too broad to include pharmaceuticals? Does EPA have any suggested clarifications to the definitions?

(2) FULLY FLUORINATED CARBON ATOM.—The term “fully fluorinated carbon atom” means a carbon atom on which all the hydrogen substituents have been replaced by fluorine.

(3) PFAS.—The term “PFAS” means perfluoroalkyl and polyfluoroalkyl substances that are man-made chemicals with at least one fully fluorinated carbon atom.

Laurence Libelo, Chief
Science Policy Branch
ARD/OSRTI/OLEM
(703) 603-8815
Cell (571) 447- 3986

From: Libelo, Laurence
Sent: Thursday, June 27, 2019 12:17 PM

To: Woolford, James <Woolford.James@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>

Subject: FW: follow up TA question-- PFAS destruction/disposal-definitions

FYI-

Ex. 5 Deliberative Process (DP)

Laurence

From: Manges, Ellen

Sent: Thursday, June 27, 2019 12:04 PM

To: Levine, Carolyn <Levine.Carolyn@epa.gov>

Cc: Keller, Melanie <Keller.Melanie@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Benjamin, Kent

<Benjamin.Kent@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Johnson, Barnes

<Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Radtke, Meghan

<Radtke.Meghan@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Colon,

Lilybeth <Colon.Lilybeth@epa.gov>; Strock, Troy <strock.troy@epa.gov>; Libelo, Laurence <Libelo.Laurence@epa.gov>

Subject: FW: follow up TA question-- PFAS destruction/disposal-definitions

Hi Carolyn – Per your request to clarify that the definition we offered on Tuesday was the best one in the opinion of the program - you can see below that with more time, Norm Birchfield from ORCR consulted with more of his colleagues and suggests the following:

Ex. 5 Deliberative Process (DP)

This has been cleared by the OLEM IO. I hope this helps. - Ellen

Ellen Manges

Acting Deputy Director

Office of Communications, Partnerships and Analysis

Office of Land and Emergency Response / U.S. EPA

202-566-0195

From: Birchfield, Norman

Sent: Thursday, June 27, 2019 11:20 AM

To: Manges, Ellen <Manges.Ellen@epa.gov>

Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Johnson, Barnes

<Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Radtke, Meghan

<Radtke.Meghan@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Colon,

Lilybeth <Colon.Lilybeth@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; Strock,

Troy <strock.troy@epa.gov>; Libelo, Laurence <Libelo.Laurence@epa.gov>

Subject: RE: follow up TA question-- PFAS destruction/disposal-definitions

Hi Ellen

Ex. 5 Deliberative Process (DP)

Thanks

Norm

Norman Birchfield, Ph.D.
Economic & Risk Analysis Staff, Chief
Office of Resource Conservation and Recovery
U.S. EPA
1200 Pennsylvania Ave., NW, MC 5305P
Washington, DC 20460
Phone: (703) 347-0174

From: Manges, Ellen

Sent: Wednesday, June 26, 2019 1:16 PM

To: Birchfield, Norman <Birchfield.Norman@epa.gov>

Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Radtke, Meghan <Radtke.Meghan@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Colon, Lilybeth <Colon.Lilybeth@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>

Subject: FW: follow up TA question-- PFAS destruction/disposal-definitions

Hi Norm – Per Carolyn in OCIR, the HEC staff found your definition to be extremely helpful. Can you double check with your contacts per our discussion and confirm that this is the best way to describe them? Please get back to us by noon tomorrow – then we can get the final response in front of Peter/Steven/Barry/Nigel and the get it to Carolyn/OCIR. Thanks Norm for the great input on this. – Ellen

Ellen Manges

Acting Deputy Director

Office of Communications, Partnerships and Analysis

Office of Land and Emergency Response / U.S. EPA

202-566-0195

From: Levine, Carolyn

Sent: Wednesday, June 26, 2019 12:02 PM

To: Manges, Ellen <Manges.Ellen@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>

Cc: Keller, Melanie <Keller.Melanie@epa.gov>

Subject: follow up TA question-- PFAS destruction/disposal-definitions

Hi Ellen/Jackie-

The TA from ORCR was extremely helpful for House E&C staff. Can we take Norm up on his offer to check with others? Tomorrow afternoon for any updated TA, would be helpful.

Thanks, and let me know any questions.

Carolyn

Carolyn Levine

Office of Congressional and

Intergovernmental Relations

U.S. EPA

(202) 564-1859

levine.carolyn@epa.gov

From: Manges, Ellen

Sent: Tuesday, June 25, 2019 9:32 AM

To: Levine, Carolyn <Levine.Carolyn@epa.gov>

Cc: Wright, Peter <wright.peter@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>;

Birchfield, Norman <Birchfield.Norman@epa.gov>; Radtke, Meghan <Radtke.Meghan@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Colon, Lilybeth <Colon.Lilybeth@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>

Subject: RE: Time Sensitive FW: follow up TA question-- PFAS destruction/disposal-definitions

Hi Carolyn – See Norm’s response below. I discussed with Peter and he agrees with Norm on this. Per Norm, their definition doesn’t seem like it changed from the original proposal. I’ve pulled out the following definition from Norm’s note (Norm – please correct if wrong):

Ex. 5 Deliberative Process (DP)

Ellen Manges
Acting Deputy Director
Office of Communications, Partnerships and Analysis
Office of Land and Emergency Response / U.S. EPA
202-566-0195

From: Birchfield, Norman

Sent: Tuesday, June 25, 2019 8:24 AM

To: Manges, Ellen <Manges.Ellen@epa.gov>; Radtke, Meghan <Radtke.Meghan@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Colon, Lilybeth <Colon.Lilybeth@epa.gov>

Cc: Keller, Melanie <Keller.Melanie@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>

Subject: RE: Time Sensitive FW: follow up TA question-- PFAS destruction/disposal-definitions

Hi Ellen

The definition below doesn’t seem like it changed from the original proposal. As it stands I think there are many pesticides and pharmaceuticals that would be included in the definition. Prozac and cipro both have a fully fluorinated carbon atom. Many pesticides also have one fully fluorinated carbon atom.

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP) These are a couple of quick answers. With some more time, it would be great to check with a few others to see if there is a better way of describing them. Let me know if spending any more time on this would be helpful.

Thanks!

Norm

From: Manges, Ellen

Sent: Monday, June 24, 2019 5:28 PM

To: Radtke, Meghan <Radtke.Meghan@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Colon, Lilybeth <Colon.Lilybeth@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>

Cc: Keller, Melanie <Keller.Melanie@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Benjamin, Kent

<Benjamin.Kent@epa.gov>

Subject: RE: Time Sensitive FW: follow up TA question-- PFAS destruction/disposal-definitions

Adding in Norman.

From: Manges, Ellen

Sent: Monday, June 24, 2019 5:12 PM

To: Radtke, Meghan <Radtke.Meghan@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Colon, Lilybeth <Colon.Lilybeth@epa.gov>

Cc: Keller, Melanie <Keller.Melanie@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>

Subject: Time Sensitive FW: follow up TA question-- PFAS destruction/disposal-definitions

Hi All – Please see Carolyn’s note. HEC is hoping for an answer ASAP. Thanks – Ellen (I’m backing up Melanie today)

Ellen Manges

Acting Deputy Director

Office of Communications, Partnerships and Analysis

Office of Land and Emergency Response / U.S. EPA

202-566-0195

From: Levine, Carolyn

Sent: Monday, June 24, 2019 5:07 PM

To: Manges, Ellen <Manges.Ellen@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>

Cc: Keller, Melanie <Keller.Melanie@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>

Subject: follow up TA question-- PFAS destruction/disposal-definitions

Hi Ellen-

House E&C has a time-sensitive question, following up on the ORCR comment #2 in the email below that Melanie had worked with ORCR on. Staff were looking for an answer today, but I know that might be tough given the hour, so let me know what you hear...thanks!

HEC TA Question:

Is the proposed definition of PFAS below too broad to include pharmaceuticals? Does EPA have any suggested clarifications to the definitions?

(2) FULLY FLUORINATED CARBON ATOM.—The term “fully fluorinated carbon atom” means a carbon atom on which all the hydrogen substituents have been replaced by fluorine.

(3) PFAS.—The term “PFAS” means perfluoroalkyl and polyfluoroalkyl substances that are man-made chemicals with at least one fully fluorinated carbon atom.

Carolyn

Carolyn Levine

Office of Congressional and

Intergovernmental Relations

U.S. EPA

(202) 564-1859

From: Birchfield, Norman
Sent: Tuesday, June 11, 2019 4:29 PM
To: Radtke, Meghan <Radtke.Meghan@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Keller, Melanie <Keller.Melanie@epa.gov>
Cc: Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Colon, Lilybeth <Colon.Lilybeth@epa.gov>
Subject: RE: URGENT TA Request -- PFAS destruction/disposal

Hi Melanie

We suggest making two points in response:

Ex. 5 Deliberative Process (DP)

Thanks

Norm

From: Radtke, Meghan
Sent: Tuesday, June 11, 2019 2:34 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>
Cc: Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Colon, Lilybeth <Colon.Lilybeth@epa.gov>
Subject: RE: URGENT TA Request -- PFAS destruction/disposal

Norm,

Can you also please take a look at this? It's another short deadline, but the text is limited (see below).

Thank you!

Meghan

Meghan Radtke, Ph.D., Biologist
Special Assistant
Office of Resource Conservation and Recovery
Office of Land and Emergency Management
U.S. Environmental Protection Agency
Desk phone: 703-347-0229
Mobile: 703-472-8215

From: Keller, Melanie
Sent: Tuesday, June 11, 2019 2:26 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>
Cc: Devlin, Betsy <Devlin.Betsy@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Colon, Lilybeth <Colon.Lilybeth@epa.gov>; Radtke, Meghan <Radtke.Meghan@epa.gov>
Subject: URGENT TA Request -- PFAS destruction/disposal
Importance: High

Good afternoon,

OCIR sent me this **urgent** request from Senate EPW (majority).

I am seeking TA comments on the following draft language by **4:30 today, to me, please**. I will run it by the OLEM IO for a quick check after I receive it from you.

OCIR and I also included OGC (Jen Lewis)

Thank you for your time and consideration,
Melanie

SECTION 1. GUIDANCE.

(a) IN GENERAL.—

- (1) Not later than one year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall propose public guidance for other federal agencies on the destruction and disposal of PFAS and PFAS-containing materials, including but not limited to: aqueous film-forming foam; PFAS-contaminated soil and biosolids; PFAS-treated textiles; and spent filters, membranes, and other waste from PFAS-contaminated water treatment.
- (2) Such guidance shall take into consideration the potential for PFAS releases during destruction or disposal, including through volatilization, air dispersion, or leachate, and provide guidance on testing and monitoring air, effluent, and soil near potential destruction or disposal sites for such releases.
- (3) Such guidance shall take into consideration of potentially vulnerable populations living near likely destruction or disposal sites.
- (4) Not later than 18 months after the date of enactment of this Act, the Administrator shall finalize such guidance and make it available to the public.

(b) DEFINITION.—In this Act, the term “PFAS” means a perfluoroalkyl or polyfluoroalkyl substance with at least one fully fluorinated carbon atom.

Melanie C. Keller

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